

REMARKS

Claims 1-21 are pending in this application. By this Amendment, claims 1, 14, 17 and 21 are amended. Claims 1 and 17 have been amended to address the 35 U.S.C. §112 rejections discussed below. Claim 14 has been amended to correct a typographical error. Claim 21 has been amended in view of the change to claim 17 to provide a different claim scope. Support for the changes to claims 17 and 21 may be found, for example, in paragraph [0041].

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Applicants thank the Examiner for the indication that claims 1-16 would be allowable if the rejection under 35 U.S.C. §112, second paragraph, is overcome. Because the rejection is overcome for the reasons described below, claims 1-16 are in condition for allowance.

Claims 17 -21 stand rejected under 35 U.S.C. §112, first paragraph as allegedly not complying with the written description requirement. In particular, claim 17 was amended in the previous Amendment filed February 20, 2007 to recite the feature "wherein the controlling means prohibits the start of the fuel cell system by isolating the gas supply-discharge portion when a freeze is detected in the gas supply-discharge portion. " The Office

Action identifies the underlined portion as allegedly new matter. This rejection is respectfully traversed.

Applicants specified in the February 20, 2006 Amendment that support for the changes to the claims "may be found, for example, in the original claims and in paragraphs [0023], [0024], [0034], [0041] and Fig. 6 [of the present specification]. " Paragraph [0041] states:

Meanwhile, if it is determined in step S20 that other component or portion of the fuel cell system is frozen, the control unit 100 *closes the shut valve 21* that has been opened in step S10 *to stop the supply of hydrogen* (step S21), *and prohibits that the fuel cell system starts up* while showing a message for notifying the user the prohibition of system start in the display 60 (step S22).

(Emphasis added) Applicant respectfully submits that the word "isolating" is a term of art in the field of fluid flow systems and is generally accepted to be synonymous with the verbs "to close" or "to shut" when applied to a valve. Furthermore, even the ordinary dictionary meanings of the word "isolate" shows that it can be considered synonymous with verbs such as set apart and cut-off, etc. (See The American Heritage College Dictionary; Fourth Edition; Houghton Mifflin Company; copyright 2004; This dictionary indicates that "isolate" can mean "to set apart or cut off from others"; the word as it applies to Electricity is defined as "to set apart (a component or circuit, for instance) from a source of electricity.") In view of these acceptable meanings of the word "isolate," Applicants respectfully submit that it is not unsupportable and therefore, not new matter to replace the verb "to shut" with "to isolate."

However, in the interest of placing this application in condition for allowance, Applicants have amended claim 17 to recite "wherein the controlling means prohibits the start of the fuel cell system by shutting the gas supply-discharge portion when a freeze is detected in the gas supply-discharge portion." Claim 21 has been amended to recite "the controlling

means prohibits the start of the fuel cell system by shutting the hydrogen supply valve when a freeze is detected in the gas supply-discharge portion."

In view of this change, withdrawal of the 35 U.S.C. §112, first paragraph rejection of claims 17-21 is respectfully requested.

Claims 1-21 stand rejected under 35 U.S.C. §112, second paragraph, as alleged to be indefinite with respect to the feature "the supply of hydrogen" in claim 1, and the use of "isolating" as used in claim 17. This rejection is respectfully traversed.

Claim 1 has been amended to recite "a supply of hydrogen" to provide proper antecedent support for this term. As noted above, claim 17 has been amended to use the verb "shutting" instead of "isolating." In view of these amendments, withdrawal of the 35 U.S.C. §112, second paragraph rejection of claims 1-21 is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Lynn E. Schwenning
Registration No. 37,233

JAO:LES/hs

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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